

**West Devon Borough Council**

<b>NAME OF COMMITTEE</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>12 July 2011</b>
<b>REPORT TITLE</b>	<b>The Future of Standards – update</b>
<b>Report of</b>	<b>Deputy Monitoring Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

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**Summary of report:**

This report develops the themes discussed by this Committee at its meeting on 8 March 2011 in the light of information received from other authorities, the passage of the Localism Bill and other matters and offers a draft position statement for discussion with Members of the Council, and parish and town councils.

**Financial implications:**

There are no direct financial implications in this report.

**RECOMMENDATIONS:**

**That the consultation paper (amended as Members see fit) be approved for consultation with Members of the Borough Council and Parish and Town Councils in the Borough.**

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**1. BACKGROUND**

- 1.1 At the Standards Committee meeting on 8 March we had a presentation on Localism and the future of Standards.
- 1.2 The Localism Bill has completed its passage through the House of Commons and Committee Stage largely unscathed and has reached the House of Lords where line by line consideration began on 20 June. It is anticipated that the Bill will complete all stages and be ready for Royal Assent in the autumn as originally predicted.

1.3 The only changes of concern to this Committee made by the Commons are in relation to Predetermination and Standards:

- the Bill already said that councils had a discretion as to whether to adopt a Voluntary Code of Conduct. An additional provision says that where a council adopts, revises or withdraws a Voluntary Code of Conduct, it must (not “may”) publicise its doing so for local residents and
- that only the full Council may adopt, revise or withdraw its Code of Conduct.

## 2. ISSUES FOR CONSIDERATION

2.1 The Monitoring Officer has drafted a consultation paper for the South Hams Standards Committee and I think it a good idea to do the same at West Devon – please see Appendix A. The proposal is that the Consultation paper is sent out to all members of this Council and of parish and town councils in the Borough to canvass their views on what should follow after the current regime has been abolished.

## 3. LEGAL IMPLICATIONS

3.1 The Council has no choice but to implement the provisions of the Localism Bill as they are enacted. Parliamentary scrutiny is not complete and some of the provisions referred to in this report may yet change. At this stage it is required only that those most affected by the Local Standards Framework have the opportunity to contribute to the debate.

3.2 The appendix contains a brief summary of the key legal implications for consideration.

## 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications at this stage. The costs of consultation can be contained within the relevant budget. As the proposals for reform crystallise we will have a better idea of where there may be savings or additional cost.

## 5. RISK MANAGEMENT

5.1 The risk management implications are:

Opportunities	Benefits
<p>To improve the process by which the authority maintains high standards of conduct</p> <p>We may gain a clearer and more locally relevant set of principles for ensuring good behaviour</p> <p>To work in partnership with other Devon authorities</p>	<p>Dismantling the statutory regime is likely to reduce the administrative machine that feeds it and so save money and time</p> <p>If a new voluntary framework is established it is likely to have more support</p> <p>It will be designed to be fit for purpose</p>

<b>Issues/Obstacles/Threats</b>	<b>Control measures/mitigation</b>
<p>Change may be disruptive and lead to confusion, especially if there is only patchy implementation of voluntary codes</p> <p>Loss of the input of the co-opted members of the Standards Committee by its dissolution would be a disadvantage</p>	<p>Good planning and careful preparation including appropriate training for all concerned</p>

## 6. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	Community Life Customer First
<b>Statutory powers:</b>	Local Government Act 2000; Localism Bill
<b>Considerations of equality and human rights:</b>	All will have to be incorporated in measure replacing the current provisions in pursuance of the authority's wider obligations
<b>Biodiversity considerations:</b>	None engaged by this report
<b>Sustainability considerations:</b>	None engaged by this report
<b>Crime and disorder implications:</b>	The introduction of criminal offences to replace the statutory code will have implications for the authority but the replacement provisions would mitigate them
<b>Background papers:</b>	
<b>Appendices attached:</b>	A: Consultation paper on the Future of Standards